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|---|--|---------------------------------|--------------------------|
| <p><i>Effective on 12/08/2004.</i> <i>Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).</i></p> <h2 style="margin: 0;">FEE TRANSMITTAL</h2> <h3 style="margin: 0;">For FY 2009</h3> | | <p>Complete if Known</p> | |
| <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27 | | Application Number | Patent#: 7,440,010 B2 |
| | | Filing Date | Issued: October 21, 2008 |
| | | First Named Inventor | Takeo FUJITA |
| | | Examiner Name | A. R. Hsu |
| | | Art Unit | 2622 |
| TOTAL AMOUNT OF PAYMENT | | (\$) | 200.00 |
| | | Attorney Docket No. | 1163-0512PUS1 |

| | |
|--|--|
| METHOD OF PAYMENT (check all that apply) | |
| <input type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> None <input type="checkbox"/> Other (please identify): _____ | |
| <input checked="" type="checkbox"/> Deposit Account Deposit Account Number: <u>02-2448</u> Deposit Account Name: <u>Birch, Stewart, Kolasch & Birch, LLP</u> | |
| For the above-identified deposit account, the Director is hereby authorized to: (check all that apply) | |
| <input checked="" type="checkbox"/> Charge fee(s) indicated below <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee | |
| <input type="checkbox"/> Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 <input checked="" type="checkbox"/> Credit any overpayments | |

| FEE CALCULATION | | | | | | | |
|---|---------------------|---|-----------------|---------------------------------|----------------------------------|---------------------------------|----------------------|
| 1. BASIC FILING, SEARCH, AND EXAMINATION FEES | | | | | | | |
| Application Type | FILING FEES | | SEARCH FEES | | EXAMINATION FEES | | Fees Paid (\$) |
| | Fee (\$) | <u>Small Entity</u> Fee (\$) | Fee (\$) | <u>Small Entity</u> Fee (\$) | Fee (\$) | <u>Small Entity</u> Fee (\$) | |
| Utility | 330 | 165 | 540 | 270 | 220 | 110 | |
| Design | 220 | 110 | 100 | 50 | 140 | 70 | |
| Plant | 220 | 110 | 330 | 165 | 170 | 85 | |
| Reissue | 330 | 165 | 540 | 270 | 650 | 325 | |
| Provisional | 220 | 110 | 0 | 0 | 0 | 0 | |
| 2. EXCESS CLAIM FEES | | | | | | | |
| | | | | | | <u>Small Entity</u> | |
| | | | | | | Fee (\$) | Fee (\$) |
| Each claim over 20 (including Reissues) | | | | | | 52 | 26 |
| Each independent claim over 3 (including Reissues) | | | | | | 220 | 110 |
| Multiple dependent claims | | | | | | 390 | 195 |
| <u>Total Claims</u> | | <u>Extra Claims</u> | <u>Fee (\$)</u> | <u>Fee Paid (\$)</u> | <u>Multiple Dependent Claims</u> | | |
| 5 - 20 or HP | | x | = | | <u>Fee (\$)</u> | | <u>Fee Paid (\$)</u> |
| HP = highest number of total claims paid for, if greater than 20. | | | | | | | |
| <u>Indep. Claims</u> | | <u>Extra Claims</u> | <u>Fee (\$)</u> | <u>Fee Paid (\$)</u> | | | |
| 2 - 3 or HP | | x | = | | | | |
| HP = highest number of independent claims paid for, if greater than 3. | | | | | | | |
| 3. APPLICATION SIZE FEE | | | | | | | |
| If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$270 (\$135 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s). | | | | | | | |
| <u>Total Sheets</u> | <u>Extra Sheets</u> | <u>Number of each additional 50 or fraction thereof</u> | <u>Fee (\$)</u> | <u>Fee Paid (\$)</u> | | | |
| - 100 = | /50 = | (round up to a whole number) x | = | | | | |
| 4. OTHER FEE(S) | | | | | | | |
| Non-English Specification, \$130 fee (no small entity discount) | | | | | | | |
| Other (e.g., late filing surcharge): 1455 Filing an application for patent term adjustment | | | | | | 200.00 | |

| | | | |
|---------------------|-------------------|--------------------------------------|-------------------|
| SUBMITTED BY | | | |
| Signature | | Registration No. (Attorney/Agent) | 29,680 |
| Name (Print/Type) | Michael K. Mutter | Telephone | (703) 205-8000 |
| | | Date | December 22, 2008 |

Docket No.: 1163-0512PUS1
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Takeo FUJITA et al.

Application No.: 10/535,499

Confirmation No.: 3898

Filed: May 18, 2005

Art Unit: 2622

For: IMAGE PICKUP APPARATUS AND IMAGE
PICK UP METHOD

Examiner: A. R. Hsu

REQUEST FOR RECONSIDERATION OF
PATENT TERM ADJUSTMENT UNDER § 1.705(b)

Commissioner of Patents and Trademarks
U.S. Patent and Trademark Office
Randolph Building
401 Dulany Street
Alexandria, Virginia 22314

Madam:

Applicants note that the 519 days of Patent Term Adjustment (PTA) as indicated on the Issue Notification received on October 2, 2008 for the above-captioned application disagrees with Applicant's own calculation of PTA.

The calculation of PTA days should be **675** days in credits.

The U.S. Patent Office's Patent Term Adjustment History as indicated in the Patent Application Information Retrieval (PAIR) system (copy attached) shows 519 days of Patent Term Adjustment in connection with the time of the first Office Action, which issued on December 19, 2007. Applicants agree with this calculation.

However, Applicants note that 156 days of Patent Term Adjustment in connection with the three (3) years from filing to issue period was not included in the U.S. Patent and Trademark Office calculation of 519 days. It is noted that the Applicants are entitled to an additional 156 days of Patent Term Adjustment because of the number of days between May 18, 2008 and the actual date of issuance of the patent in the subject application on October 21, 2008.

Applicants hereby request that the U.S. Patent Office correct the calculation of the Patent Term Adjustment for the present application to **675 days**.

The present application ☐ is; ☒ is not subject to any Terminal Disclaimer and any expiration date specified in a Terminal Disclaimer (§ 1.705(b)(2)(iii)).

☐ The following circumstances arose during prosecution of the above-identified application that constitute a failure to engage in reasonable efforts to conclude processing of examination of the application (§ 1.705(iv)(A)): _____

or

☒ There were no circumstances constituting a failure to engage in reasonable efforts to conclude processing or examination of the above-identified application (§ 1.705(iv)(B)).

PAYMENT OF FEES (check one box)

☒ A check in the amount of \$200.00 is enclosed for the consideration of this Request as required by 37 C.F.R. § 1.18(e).

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for

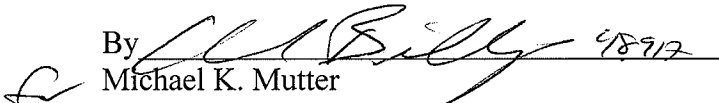
Application No. 10/535,499
Amendment dated December 22, 2008
After Allowance Under 37 C.F.R. 1.312

Docket No.: 1163-0512PUS1

any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: December 22, 2008

Respectfully submitted,

By  12/29/08
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(703) 205-8000
Attorney for Applicant

| | | |
|------------|--|----------------------|
| 10/535,499 | IMAGE PICKUP APPARATUS AND IMAGE PICKUP METHOD | 12-18-2008::14:26:21 |
|------------|--|----------------------|

Patent Term Adjustments

Patent Term Adjustment (PTA) for Application Number: 10/535,499

| | | | |
|------------------------------|------------|--------------------------------------|-----|
| Filing or 371(c) Date: | 05-18-2005 | USPTO Delay (PTO) Delay (days): | 519 |
| Issue Date of Patent: | 10-21-2008 | Three Years: | - |
| Pre-Issue Petitions (days): | +0 | Applicant Delay (APPL) Delay (days): | 0 |
| Post-Issue Petitions (days): | +0 | Total PTA (days): | 519 |
| USPTO Adjustment(days): | +0 | Explanation Of Calculations | |

Patent Term Adjustment History

| Date | Contents Description | PTO(Days) | APPL(Days) |
|------------|---|-----------|------------|
| 10-01-2008 | PTA 36 Months | | |
| 10-21-2008 | Patent Issue Date Used in PTA Calculation | | |
| 09-15-2008 | Dispatch to FDC | | |
| 09-15-2008 | Application Is Considered Ready for Issue | | |
| 09-12-2008 | Issue Fee Payment Verified | | |
| 09-12-2008 | Issue Fee Payment Received | | |
| 06-21-2008 | Electronic Review | | |
| 06-20-2008 | Mail Notice of Allowance | | |
| 06-18-2008 | Document Verification | | |
| 06-18-2008 | Notice of Allowance Data Verification Completed | | |
| 04-11-2008 | Date Forwarded to Examiner | | |
| 03-19-2008 | Response after Non-Final Action | | |
| 12-20-2007 | Electronic Review | | |
| 12-19-2007 | Email Notification | | |
| 12-19-2007 | Mail Non-Final Rejection | 519 | |
| 12-10-2007 | Non-Final Rejection | ↑ | |
| 05-18-2005 | Information Disclosure Statement considered | ↑ | |
| 05-18-2006 | Information Disclosure Statement considered | ↑ | |
| 08-01-2007 | Information Disclosure Statement considered | ↑ | |
| 09-24-2007 | Case Docketed to Examiner in GAU | ↑ | |
| 08-01-2007 | Information Disclosure Statement (IDS) Filed | ↑ | |
| 08-01-2007 | Information Disclosure Statement (IDS) Filed | ↑ | |
| 05-18-2006 | Reference capture on IDS | ↑ | |
| 05-18-2006 | Information Disclosure Statement (IDS) Filed | ↑ | |
| 05-18-2006 | Information Disclosure Statement (IDS) Filed | ↑ | |
| 05-18-2005 | Reference capture on IDS | ↑ | |
| 05-18-2005 | Information Disclosure Statement (IDS) Filed | ↑ | |
| 05-18-2005 | Information Disclosure Statement (IDS) Filed | ↑ | |
| 03-31-2006 | IFW TSS Processing by Tech Center Complete | ↑ | |
| 03-31-2006 | Case Docketed to Examiner in GAU | ↑ | |
| 05-18-2005 | 371 Completion Date | ↑ | |

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|------------|-----------------------------------|---|
| 03-21-2006 | Application Return from OIPE | ⬆ |
| 03-21-2006 | Application Return TO OIPE | ⬆ |
| 03-21-2006 | Application Return from OIPE | ⬆ |
| 03-22-2006 | Notice of DO/EO Acceptance Mailed | ⬆ |
| 03-21-2006 | Application Return TO OIPE | ⬆ |
| 03-15-2006 | Application Dispatched from OIPE | ⬆ |
| 03-15-2006 | Notice of DO/EO Acceptance Mailed | ⬆ |
| 02-11-2006 | Cleared by OIPE CSR | ⬆ |
| 05-18-2005 | Initial Exam Team nn | ⬆ |

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